

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR311
)	
vs.)	ORDER
)	
DAVID HERRICK,)	
)	
Defendant.)	

This matter is before the court on the motion to suppress by defendant David Herrick (Herrick) (Filing No. 9). Previously, the court scheduled a tentative evidentiary hearing on October 31, 2005, at 9:15 a.m. Such tentative hearing is canceled. The court will hold an evidentiary hearing on **all pending motions on November 21, 2005 at 1:30 p.m.** in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant shall be present.

Counsel are reminded of the requirements of NECrimR 12.5 which provides as follows:

Disclosure of Evidence. This rule applies to all evidentiary hearings on pretrial motions in criminal cases.

(a) Witnesses. At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.

(b) Exhibits. At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge.

Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

IT IS SO ORDERED.

DATED this 18th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge